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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,850	02/07/2005	Thomas John	3208	4407

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Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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12/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,850	Applicant(s) JOHN ET AL.	
	Examiner PHONG H. NGUYEN	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29,30 and 34 is/are rejected.
- 7) ☒ Claim(s) 31-33 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29, 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederick (3,880,028) in view of Ota (JP1994-102480), and evidence of Grzymislowski (3,282,677).

Regarding claim 29, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

a) providing a moving glass sheet 12 that is continuously moving in a travel direction;

b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a plurality of positions on the glass sheet;

f) mechanically breaking the glass sheet along the fissure (by a snap roll 21);

g) controlling the different cutting forces applied by the cutting tool in the different regions so that the different cutting forces are sufficient to form the fissure but not so large as to cause uncontrolled breaking of the glass sheet during formation of the fissure prior to the mechanically breaking. (This step is inherent in Frederick since Frederick teaches lower the cutting head to a proper distant for cutting glass to desired shapes and dimensions).

See Figs. 1-2.

Regarding steps (c) and (e) which are to apply variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and to control the variable cutting force. Frederick does not explicitly teach those steps. However, Frederick teaches using conventional biasing mean for biasing the scoring device 16 to the glass.

Grzymislowski teaches that the conventional biasing means (spring) respond to irregular surface of the glass which causes grooves with different depth. In other words, the cutting force is variable with respect to the irregular surface of the glass. See col. 1, lines 3-27. For example, in a thicker area of the glass, the spring is compressed more to create a stronger cutting force. In a thinner area of the glass, the spring extends more to create a lesser cutting force.

Therefore, steps (c) and (e) are inherent in Frederick.

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Frederick does not teach step (d) which is to measure the thickness of the glass sheet.

Ota teaches the step of measuring a thickness of a glass sheet 2 by a measurement sensor 4 so that a proper amount cutting force can be determined according to the thickness information for making a good cut on the glass sheet. See Fig. 1

Therefore, it would have been obvious to one skilled in the art to provide the step of measuring a thickness of a glass sheet so that a proper amount cutting force can be determined according to the thickness information as taught by Ota to the cutting method of Frederick for making a good cut on the glass sheet.

Regarding claim 30, a position sensor 30 for detecting the position of the cutting tool 16 across the glass sheet 12 is best seen in Figs. 1-2 in Frederick. A position sensor 4 also is best seen in Fig. 2 in Ota. It is noted that in Frederick glass cutting machine, the scoring device applies a greater cutting force in a thicker area, and lesser cutting force in a thinner area as explained in claim 29.

Regarding claim 34, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

a) providing a moving glass sheet 12 that is continuously moving in a travel direction;

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b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a plurality of positions on the glass sheet;

e) mechanically breaking the glass sheet along the fissure (by a snap roll 21); and

See Figs. 1-2.

Regarding steps (d) and (f) which are to apply variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and to control the variable cutting force. Frederick does not explicitly teach those steps. However, Frederick teaches using conventional biasing means for biasing the scoring device 16 to the glass.

Grzymislowski teaches that the conventional biasing means (spring) respond to irregular surface of the glass which cause grooves with different depth. In other words, the cutting force is variable with respect to the irregular surface of the glass. See col. 1, lines 3-27. For example, in a thicker area of the glass, the spring is compressed more to create a stronger cutting force. In a thinner area of the glass, the spring extends more to create a lesser cutting force.

Therefore, steps (d) and (f) are inherent in Frederick.

Frederick does not teach step (c) which is to measure the thickness of the glass sheet.

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Ota teaches the step of measuring a thickness of a glass sheet 2 by a measurement sensor 4 so that a proper amount cutting force can be determined according to the thickness information for making a good cut on the glass sheet. See Fig. 1

Therefore, it would have been obvious to one skilled in the art to provide the step of measuring a thickness of a glass sheet so that a proper amount cutting force can be determined according to the thickness information as taught by Ota to the cutting method of Frederick for making a good cut on the glass sheet.

Allowable Subject Matter

3. Claims 31-33 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 29 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/
Examiner, Art Unit 3724
December 26, 2010